

VI. *CLG* Role in the National Register Nomination Process

A. The *CLG* and SHPO together will assure the public ample opportunity to evaluate and comment on National Register nominations.

The *CLG* will notify the public via procedures outlined in local legislation, or public participation and public meeting requirements of MCA 2-3-101 et. seq. As per federal regulations, the SHPO will officially notify the property owner(s) local chief elected official, and the Commission with information on the National Register of Historic Places, the implications of listing, how to obtain copies of the nomination, the procedures to support or object to the nomination, and invitation to attend the State Historic Preservation Review Board meeting at which the nomination will be considered.

B. The *CLG* must participate in the process of nominating properties to the National Register.

1. When a single historic resource or historic district within the *CLG*'s jurisdiction is nominated to the National Register, the SHPO will forward a copy of draft nominations to the local chief elected official and the historic preservation Commission at least sixty (60) days prior to consideration of the nomination by the State Historic Preservation Review Board.
2. Upon receipt of the nomination from SHPO, the *CLG* will provide the opportunity for public comment, and review the nomination. When a nomination requires the review of a certain professional discipline not represented in the Commission membership, the *CLG* must seek that professional expertise for the review.
3. Within sixty (60) days of the receipt of the nomination, preferably within fifty-five (55) days, the chief elected official and the Commission must report their recommendations and any public comments regarding the completeness of the nomination and eligibility of the property, in writing, to the SHPO. If both recommendations support the nomination, the reports may be combined and signed by both the local chief elected official and, the head of the Commission or local Historic Preservation Officer. If one or both object, separate recommendation reports must be forwarded to the SHPO outlining the deficiencies of the nomination and/or justifying why the property fails to meet the National Register criteria. The reports may also indicate that no recommendation is given.
4. If either or both the local chief elected official and the Commission recommend that the property is eligible for nomination, the SHPO will present the nomination to the State Review Board in accordance with the regulatory procedures. If both the chief elected official and the Commission recommend that the property or district not be nominated, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101(c)(2)(B) of the National Historic Preservation Act as amended (16 USC 470 et seq.).



Figure 14. General Mills Elevator, Harlowton.

5. The *CLG* must maintain records of all persons notified or contacted during the local nomination review process. If a public information meeting is held, a list of those attending and minutes of the meeting must be retained. Copies of all written responses from property owners, public officials, and the general public must be submitted to the SHPO prior to the State Preservation Review Board meeting at which the nomination will be considered.
6. The *CLG* must forward to SHPO all original, official concurrence/objections received from property owners.



Figure 15. Madison County Courthouse, Virginia City.

7. The SHPO may request a waiver for a nomination review period of less than sixty (60) days. It is at the discretion of the *CLG* to grant the waiver.
8. The SHPO must summarize and present the comments of the chief elected official and the local preservation Commission for the State Preservation Review Board's consideration. For this reason, SHPO would appreciate receiving recommendation reports five (5) days in advance of the State Review Board meeting.
9. Nominations reviewed and approved by the State Preservation Review Board and the State Historic Preservation Officer must be forwarded to the Keeper of the National Register in Washington, DC. If the nomination is forwarded, all objections must accompany the nomination. If the Board or State Historic Preservation Officer deem the nomination deficient or the property not eligible, SHPO will notify the local chief elected official and the Commission within a reasonable time following the Board's consideration. If the nomination was denied for deficiencies, the *CLG*, property owner, SHPO, or an interested party may address the deficiencies and resubmit the nomination.
10. If the chief elected official and/or the Commission disagree with the findings of the SHPO and/or the State Historic Preservation Review Board on the eligibility of a property or historic district for listing in the National Register, the chief elected official or the *CLG* historic preservation Commission may appeal the decision to the Keeper in accordance with the appeals procedure outlined in 36 CFR 60.
11. Upon receipt of a nomination, the Keeper announces the nomination in the Federal Register where again the public has an opportunity to comment. The Federal Register is available on-line. The Keeper reviews the nomination technically and substantively.

12. If the nomination is approved by the Keeper, the property will be listed in the National Register in about forty-five (45) days. If the nomination is found to be deficient, the property is deemed not eligible, or a procedural error has occurred, SHPO is notified and the nomination is returned. The *CLG*, the property owner, SHPO, or an interested party may address deficiencies and resubmit the nomination through SHPO to the Keeper. Under these circumstances, the State Historic Preservation Review Board is not required to review a revised nomination.
13. If the property is listed by the Keeper, SHPO will notify the local chief elected official and the Commission in writing, issue a press release announcing the property listing, and mail a final copy of the nomination to the Commission. If a copy of the nomination with the Keeper's signature is desired, the *CLG* must request a copy directly from the Keeper. The official National Register listings are also posted on the National Park Service website.
14. The *CLG* is encouraged to promote public awareness of proposed nominations and National Register listings with their own news releases, public presentations, and activities.
15. Upon written agreement between the *CLG* and the SHPO, the *CLG* may assume responsibility for official notification of property owners and the public throughout the nomination process. In this case, the *CLG* must meet the federal public notice requirements specified by the National Register nomination procedures outlined in 36 CFR 60. If a *CLG* assumes the notification responsibilities, the SHPO will provide guidance regarding persons to be contacted and the content and timing of the notification letters. All notification procedures regarding nominations to the National Register completed by the *CLG* and SHPO must conform to the time frames and other requirements of federal regulations.
16. The SHPO may delegate to a *CLG* any of the responsibilities of the SHPO and the State Review Board in processing National Register nominations except for the authority to nominate properties directly to the National Register.

C. The *CLG* and nominations by federal agencies.

The *CLG* notification procedures do not apply when a federal agency nominates a property under its ownership or control. The *CLG* and the SHPO are encouraged to coordinate with federal agencies to the extent practical, however, in considering such nominations.



Figure 16. Sperry Chalet, Glacier National Park, Glacier County.



Figure 17. Becker Hotel, Hardin.

VII. SHPO Commitments to the CLG

The SHPO must provide information, guidance, training, and evaluation to the CLG. The SHPO must provide orientation materials and training in accordance with local needs to CLGs. The orientation and training must be designed to provide public information, education, and training, and technical assistance in historic preservation.

A. The SHPO must subgrant a minimum of ten percent (10%) of its federal annual allocation to the statewide CLG program.

The Historic Preservation Fund stipulates at least ten percent (10%) of the funding granted by the National Park Service to the Montana State Historic Preservation Office be regranted to the CLG program. The SHPO strives to commit more than the minimum.

B. The SHPO will keep the CLGs informed no less than on a quarterly basis.

Programmatic, grant, and CLG information and opportunities will be distributed at least quarterly by SHPO via email, mail, voice mail, list-serve, telephone, or meetings to the local Historic Preservation Officer, and upon request to other staff in the local government.

C. The SHPO will provide an annual CLG training opportunity, workshop, or conference.

SHPO must provide at least one training opportunity annually for CLGs. SHPO may host a training opportunity, or designate an established meeting or workshop as annual training, or enlist a CLG community to host a training opportunity. If SHPO enlists a host CLG, SHPO will offer technical support and possible funding in addition to any annual grant funds.

D. The SHPO will provide training to new local Historic Preservation Officers.

To assist CLGs and new local Historic Preservation Officers, SHPO will provide training in procedures, program, and grant areas. When funding is available, SHPO will reimburse travel expenses for the local Historic Preservation Officer to train in Helena.

E. The SHPO must monitor and evaluate the performance of the CLG and responsibilities delegated.

In order to provide the basis for this review, the CLG must prepare and submit quarterly reports to SHPO by the last business day of the month following the end of the quarter (unless otherwise specified). SHPO will notify the HPO and/or local chief elected official if performance levels and/or responsibilities are not met. The CLG and SHPO will meet and/or correspond in good faith to remedy any deficiencies.

F. The SHPO must perform a substantive program and fiscal review of each CLG at least once every four (4) years.

As part of the SHPO Evaluation of the CLG, the SHPO will meet with the Commission and the local Historic Preservation Officer, and if necessary, with the local chief elected official. SHPO will contact the local Historic Preservation Officer in advance to set a convenient meeting time. SHPO will provide a draft agenda and a questionnaire prior to the meeting, and an assessment report following the meeting. SHPO will review and report on the fiscal management of HPF monies. Both reports will be available at the CLG and at SHPO. If requested by the Commission or the local chief elected official or if SHPO finds it necessary, the SHPO may review a CLG's performance at less than four (4) year intervals.

G. The SHPO may require the local Historic Preservation Officer be accessible to the public and SHPO for a certain number of hours in order to qualify for specific grant funding.

The SHPO must stipulate grant requirements of the annual CLG funding on an annual basis. For example, for a CLG to qualify for \$1,500 in annual funding, it must meet the minimum program requirements but for \$5,500 the CLG's local Historic Preservation Officer must work 80 hours per month on the CLG preservation program.

H. The SHPO will provide access to National Register and other office files.

The SHPO is an official state repository of architectural and archeological sites files and reports, National Register nominations, Review and Compliance (Section 106) consultation correspondence, technical assistance, special grant, covenant, easement, and agreement files, CLG program files, state preservation plan, and historic rehabilitation tax incentive files. The CLG must be granted full access to these files and may copy them, unless the documents are restricted under Section 304 of the National Historic Preservation Act as amended (16 USC 470 et seq.). A researching and copying fee may apply.